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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,748	01/18/2001	Jonathan E. Lowthert	INTL-0511-US (P10480)	7988

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EXAMINER	
BUI, KIEU OANH T	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/764,748	LOWTHERT ET AL.	
	Examiner	Art Unit	
	KIEU-OANH T. BUI	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *31-61* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *31-61* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remark

1. Claims 1-30 were canceled. Claims 31-60 are previously added and new claim 61 are added for re-consideration.

Response to Amendment and Arguments

2. Applicant's arguments with respect to claims 31-61 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 31-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent No. 6,357,042 B2) in view of Arsenault et al. (U.S. Patent No. 6,971,119 B1).

(Please note the examiner considers and examines a set of system claims 51-61 first as for the main concept of the present application; and claims 31-50 are for its corresponding method and a computer medium for storing instructions thereof).

Regarding claim 51, Srinivasan discloses a system (Fig. 12) comprising:

a receiver to receive content including an interruptible content portion and an advertisement, i.e., Figs. 1 for a set top receiver and/or receiver 119 of the set top (Fig. 12) for receiving content including an interruptible content (which content can be interrupted during

play) and an advertisement (col. 6/lines 19-52 for a plurality of sources for providing contents to the set top box and the contents can be interrupted by other contents such as an advertisement, and col. 30/lines 53-62 for contents includes advertisements regarding as "interrupting contents");

a cache, coupled to said receiver, to store said content and advertisement (Fig. 12, item 117 for a CPU containing a cache for storing content and advertisement (refer to col. 20/lines 54-65); and instructions that enable said receiver to associate an advertisement with said cache content and collect information to enable a credit to a content provider for an advertisement displayed in association with said content (col. 31/line 5-29 for ad insertions; col. 34/lines 1-23, more ads means more charges to advertisers and means more credit to providers).

an interface, in said receiver, to find a place to insert an advertisement in said portion while said portion is still stored in said cache, insert said advertisement in said portion, and output for display", i.e., pipeline 129 regarding as an interface comprising buffers 131 and 133 and together with the software provided for controlling and finding the place to insert the advertisement in the cached content or the portion still stored in the cache by performing synchronization of stream data using time marker and frame numbers before combining and displaying to the user using the display module (Fig. 12 and col. 21/lines 27-67).

Srinivasn does not further address the content is cached in the cache and allow the user to select a particular content from the cache for playback as well as the interruption detection during caching; however, this technique is taught by Arsenault as Arsenault teaches the content can be locally stored in the cache, which suggests a personal use for the user, and the user has a full control of retrieving, accessing, playing back the content from the cache at ease (refer to col.

2/lines 47-65; and col. 14/line 50 to col. 15/line 17 for a detailed wide range of caching applications, and col. 17/lines 53-67) and the interruption the access of the particular content item based on the user's unique pattern of usage of the particular content item (col. 12/lines 34-53). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivan's system with Arsenault's teaching technique of caching as noted in order to access to the cache, interrupt the access of the particular content item based on the user's unique pattern of usage of the particular content item, and playback the content anytime as taught by Arsenault.

As for claim 52, Srinivasan discloses "wherein said system is a television receiver" (Fig. 12 for system 115 with television port at 119 as television receiver).

As for claims 53-55, Srinivasan further discloses a device that "wherein said cache stores instructions that enable the receiver to identify an advertisement that is proximate in time to the content", i.e., content and control information is collected, analyzed and determined based on user's preferences for effectively targeting viewers with appropriate programs (col. 31/line 15 to col. 32/line 40 for various of examples and situations for when and how the ad server inserts appropriate ads to target the viewer based on their profile during appropriate time slots and etc.); and "to accrue credit to a content provider of content that is proximate to the advertisement and based on upon the amount of content selected for play on the receiver" (col. 34/lines 1-23, more ads means more charges to advertisers and means more credit to providers based on the amount and selection of content that is proximate to the advertisement, noted in col. 2/lines 50-62).

As for claims 56-57, Srinivasan teaches these feature as addressed in claim 55 above and further in col. 31/lines 15 to col. 32/line 11 as the ad insertion can be determined or predetermined based on numerous factors about what content was played with an advertisement, also means to identify an advertisement to associate with the content i.e., preference and/or profile and/or synchronization/matching contents, buying time slots etc., also noted in col. 2/lines 50-62 and col. 32/lines 41-56.

As for claim 58, Srinivasan further discloses wherein the receiver to insert the advertisement in the content in response to the detection of a pause in the playback of the content (col. 31/lines 15-29 for blank sègments and the system can insert ads there; and in col. 32/lines 12-40 as the user pause the playback and initiates to order a new service or program or request an updated URL link, the system can insert the ad therein).

As for claim 59, Srinivasan further discloses "wherein said interface to allow limited access to said content" (col. 31/lines 58-64, if the user orders a particular VOD program, he/she is limited to the ordered program only).

As for claim 60, Srinivasan further discloses "wherein the receiver enables a variety of content to be selected for play at any time" (col. 33/line 58 to col. 34/line 38-67 for the user can add a wide range of content providers if he prefers and he can access for play at any time).

As for claim 61, this feature is met by Arsenault since the broadcaster downloads the advertisement first (being completed) and then the user is allowed to access at a later time (col. 18/line 63 to col. 19/line 11).

As for claims 31-40 and 41-50, these claims (of the claimed system) for a corresponding method and corresponding computer medium for storing instructions are rejected for the reasons given in the scope of system claims 51-61 as disclosed in details above to avoid unnecessary repetitions, not limited to the cited paragraphs above but also to the entire disclosure and teaching of the Srinivasan and Arsenault references.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

Hand deliveries must be made to Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kieu-Oanh Bui
Primary Examiner
Division 2623

KB
June 01, 2006